

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYOVAC, INC.,)	
)	
Plaintiff/Counter-Defendant.)	C.A. No.: 04-1278 (KAJ)
)	
vs.)	
)	
PECHINEY PLASTIC PACKAGING,)	
INC.,)	
)	
Defendant/Counter-Plaintiff.)	

JOINT STATUS REPORT

In accordance with the Scheduling Order dated December 14, 2004, counsel for Cryovac, Inc. (“Cryovac”) and for Pechiney Plastic Packaging, Inc. (“Pechiney”) have conferred by telephone concerning the matters that the Court will take up during the status and scheduling conference that has been set for July 14, 2005, at 12:35 p.m. The parties, having considered each of the items set forth in the Scheduling Order, hereby submit this joint report as directed by the Court.

1. Rule 26(a)(1) Initial Disclosures

The parties have exchanged their initial disclosures in accordance with Rule 26(a)(1) and have supplemented those disclosures in accordance with the Scheduling Order. Initial Disclosures are scheduled to be supplemented again on August 1, 2005.

2. Joinder of Other Parties and Amendment of Pleadings

No motions to join other parties have been filed and the period to do so has passed. Cryovac has filed a Motion for Leave to File an Amended Complaint (Docket No. 47), seeking to add two new counts: (1) that Pechiney tortiously interfered with a contract between

Cryovac and National Beef; and (2) that Pechiney tortiously interfered with prospective contractual relations between Cryovac and National Beef. Pechiney has opposed this motion. The issues have been fully briefed, and the Motion is pending decision before the Court.

In a related matter, Pechiney filed a Motion to Exclude the Declaration of Jeffrey Gardner (Docket No. 56), which was submitted by Cryovac in support of its Reply Brief in support of its Motion for Leave to Amend. This issue has also been fully briefed and is pending before the Court.

3. Discovery

The parties have been serving and responding to written discovery requests. The parties are working to complete discovery by the August 19, 2005, cut off and currently believe that discovery will be completed as scheduled, no matter what the Court rules on Cryovac's Motion for Leave to File an Amended Complaint. The document productions are substantially completed.

Initial Expert Reports, Rebuttal Expert Reports, and Reply Expert Reports have been served.

The parties have noticed depositions and reached agreements on dates for some of those noticed. Depositions are expected to begin July 7, 2005, and continue into August of 2005.

4. Settlement Conference

The parties met with Magistrate Judge Thynge on May 2, 2005, for a Settlement Conference. The parties were not able to reach agreement. While both parties believe settlement is always an option, at this time the parties expect to proceed to trial. A decision on Cryovac's Motion for Leave to File an Amended Complaint may have an impact on settlement negotiations.

5. Matters in Issue

This is a patent infringement action filed by Cryovac against Pechiney involving U.S. Patent No. 4,755,419 ("the '419 patent") and relating to multilayer polymer films, principally used to create bags for the protective shrink wrapping of bone-in, fresh meat. Cryovac has moved for leave to add two additional counts against Pechiney based on tortious interference with contract and tortious interference with prospective contractual relations. Cryovac seeks a permanent injunction and contends it is entitled to lost profits damages and reasonable royalty will apply as a floor for infringement damages not covered by lost profits.

In its Answer, Pechiney asserts affirmative defenses of non-infringement, invalidity, and failure to state a claim. Pechiney also counterclaims for declaratory judgment of non-infringement and invalidity of the '419 patent. Pechiney further contends that, in the event that Cryovac prevails on infringement and validity, Cryovac is not entitled to lost profits but, rather, at most a reasonable royalty. Because the '419 patent expires before trial is scheduled, a permanent injunction would not be proper.

6. Case Dispositive Motions

There are no case dispositive motions currently pending. The parties expect to file dispositive motions on or before October 19, 2005, in accordance with the Scheduling Order.

7. Other Matters

None identified at this time.

Dated: July 5, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2005, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such document is available for viewing and downloading to the following counsel of record:

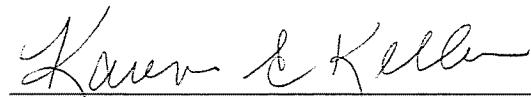
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I further certify that on July 5, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated.

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